

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALEXANDRIA ELIAS, et al.,

Plaintiffs,

v.

UNGAR'S FOOD PRODUCTS, INC., d/b/a
DR. PRAEGER'S SENSIBLE FOODS, et. al.,

Defendants.

Civ. Action No. 06-2448 (KSH)

ORDER ON MOTION PRACTICE

Katharine S. Hayden, U.S.D.J.

In September, 2009, defendants filed a motion for reconsideration of class certification. [D.E. 106] Not long after this, the Court, through Magistrate Judge Patty Shwartz and the undersigned, has held a series of settlement conferences with the parties in person and over the telephone, and has been advised that on their own, the parties have met and conferred for settlement purposes. At present, their efforts have been unsuccessful. In the course of discussions with the Court, counsel have raised the impact on the grant of class certification of certain cases decided in 2009 and 2010. They have also exchanged position papers with one another that set forth their legal contentions.

The Court finds that the proper course of action is to entertain motion practice and has so advised the parties. Based on recent case developments, the Court has requested that the parties resubmit their merits briefs on class certification (the focus of the pending motion for reconsideration), and will permit defendants to file a motion for summary judgment as described below. Good cause appearing thereby,

It is on this 23rd day of June, 2010, hereby

ORDERED that defendants may file a motion for reconsideration of the class certification granted by this Court's opinion and order [D.E. 104, 105]; and a motion for summary judgment based on plaintiffs' inability to establish that any absent class member was damaged as a result of defendants' alleged misconduct; and it is further

ORDERED that on or before **July 1, 2010**, the parties shall submit a Joint Order Agreeing to a Motion Schedule, which sets forth dates certain that will not be subject to Clerk's extension(s). All briefs thereon shall be filed no later than September 30, 2010. The Court will provide a date for oral argument on the motions at the time the parties' Joint Order is entered; and it is further

ORDERED that the pending motion for reconsideration [D.E. 106] is terminated in consideration of the foregoing.

/s/ Katharine S. Hayden

Katharine S. Hayden, U.S.D.J.